

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11413 of 2004

Between:

Naveen Prakash Jaiswal S/o late Chandra Prakash Jaiswal
R/o 3-5-971/5, Himayatnagar, Hyderabad

..... PETITIONER

AND

- 1 The Principal Secretary, Ministry of Petroleum and Natural Gas,
Government of India, New Delhi
 - 2 Bharat Petroleum Corporation Ltd., rep. by its Managing Director.
 - 3 Hindustan Petroleum Corporation Ltd., rep. by its Managing Director
 - 4 Indian Oil corporation Ltd. rep. by its Managing Director.
- respondents 2 to 4 are having their registered offices at New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus or any other writ, directing the 1st respondent to initiate steps for developing a price mechanism to facilitate necessary changes to the prices of Diesel and Petrol so as to restrain the dealers of the Respondents 2 to 4 and other dealers from collecting prices more than prices notified by the 1st respondent from the public.

Counsel for the Petitioner : Mr.P.THIRUMALA RAO

Counsel for the Respondents : MR.A.RAJASHEKAR REDDY

(Standing Counsel for Central Govt.)

The Court at the stage of admission, made the following :

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ORDER:

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Petitioner has filed this petition as public interest litigation seeking direction against the first respondent to initiate steps for developing a price structure to facilitate necessary changes in the prices of diesel and petrol so as to restrain the dealers of respondents 2 to 4 and other dealers from collecting from the public prices more than the prices notified by first respondent.

First respondent is the Principal Secretary, Ministry of Petroleum and Natural Gas. Respondents 2, 3 and 4 are Bharat Petroleum Corporation Ltd., Hindustan Petroleum Corporation Ltd., and Indian Oil Corporation Ltd. Petitioner claims that Government of India regulates prices of all products. Natural gas is allowed subsidy by the Government of India in order to regulate and control the prices of various other products. The prices of oil products varies in every region and from station to station, because of several factors such as mode of transport, distance, supply, etc. Prices are notified by first respondent as and when changes are effected. Petitioner has placed on record an annexure at page 14 of the material papers indicating the existing prices after recent change in oil prices and prices of other products.

Petitioner's grievance is that dealers of respondents 2, 3 and 4 cannot demand or collect more than the prices notified by the Government of India. But prices shown in the said annexure demonstrates how the dealers invariably collect more price than the prices of the product. According to the petitioner, coins of 5, 10, 20 paise are out of circulation. Thus, the dealers of the respondents 2 to 4 benefit from the difference in the amount collected from each and every transaction. For that reason, petitioner wants a direction to be issued to develop a price methodology to facilitate the consumer.

May be that the revised prices of oil and oil products are in fraction and customer is feeling some inconvenience in making payment of the exact amount payable for such product purchased from a dealer; but it is not the case of the petitioner that dealers are compelling the customers to pay price more than the price prescribed by first respondent. It is only when the customer is not possessed of the exact amount, the dealer having necessary change has to return the balance, but that does not prevent the customer from insisting that he be paid quantity of petrol or petroleum product equivalent to the amount paid by him. Merely that customers are feeling inconvenience cannot be a ground for this Court to entertain such like petitions as public interest and to issue direction to the respondents unless it is demonstrated before the Court that rise in prices is irrational or arbitrary in nature, which is not the case of the petitioner.

The writ petition, with the above observations, is dismissed. No costs.

DEVINDER GUPTA, C.J

G.ROHINI, J

Dated: 7th July 2004.

NMR/DA

To

- 1 The Principal Secretary, Ministry of Petroleum and Natural Gas,
Government of India, New Delhi
- 2 The Managing Director, Bharat Petroleum Corporation Ltd.,
registered office at New Delhi.
- 3 The Managing Director, Hindustan Petroleum Corporation Ltd.,
registered office at New Delhi.
- 4 The Managing Director, Indian Oil corporation Ltd.

registered office at New Delhi.

5 Two CD copies.